



RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1600

Handwritten: 37 AF/14 CC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: NISHIDA et al.

Art Unit: 1646

Application No.: 09/924,099

Conf. No. 3370

Examiner: D. Jiang

Filed: August 8, 2001

Washington, D.C.

For: PEPTIDE

Atty.'s Docket: NISHIDA=3A

Date: May 20, 2005

Corres. and Mail
BOX AF

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] Amendment After Final Rejection []
in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[] No additional fee is required.

[XX] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 8	MINUS	** 20	0
INDEP.	* 4	MINUS	*** 4	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	

OR

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	

OR

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
[] First - \$ 60.00
[] Second - \$ 225.00
[] Third - \$ 510.00
[] Fourth - \$ 795.00
Month After Time Period Set

Other Than Small Entity
Response Filed Within
[] First - \$ 120.00
[] Second - \$ 450.00
[XX] Third - \$ 1020.00
[] Fourth - \$ 1590.00
Month After Time Period Set

[] Less fees (\$) already paid for month(s) extension of time on .

[] Please charge my Deposit Account No. 02-4035 in the amount of \$.

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 1,020.00.

[] A check in the amount of \$ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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**AFTER FINAL PROCEDURE - PLEASE EXPEDITE HANDLING
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

ATTY.'S DOCKET: NISHIDA=3A

In re Application of:)	Art Unit: 1646
)	
Yoshihiro NISHIDA et al.)	Examiner: D. Jiang
)	
Appln. No.: 09/924,099)	Washington, D.C.
)	
Filed: August 8, 2001)	August 27, 2004
)	
For: PEPTIDE)	Confirmation No. 3370

AMENDMENT AFTER FINAL REJECTION

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action of November 30, 2004,
petition and payment for a two month extension of time being
attached hereto, please amend as follows:

Amendments to the Claims are reflected in the listing of claims
which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Attachment: A copy of GRACIE et al., *J. Clin. Invest.* (1999)
reference is attached following page 11 of this paper.